

CBM COMPANY

4650 S.W. 75 AVE. MIAMI, FLA. 33155
PHONE (305) 264-5957

INVOICE

No. 23507

DATE FEB. 8, 1988
YOUR ORDER NO.

SOLD TO : WCCJ RADIO STATION
CUNATON, ALABAMA

SHIP TO :

OUR ORDER NO.		SALESMAN CR	TERMS 10 Days	F.O.B. Miami	DATE SHIPPED 2/2/88	SHIPPED VIA Truck	
QUANTITY ORDERED	QUANTITY SHIPPED	DESCRIPTION				UNIT PRICE	AMOUNT
	1 ea.	10 KW/ 220 /110 Volt gasoline powered Generator, Skid mounted / with day tank, and Battery					\$2,500.00
<div>Paul Cash 2/8/88 [Signature]</div>							

ORIGINAL

ATTACHMENT E

United States of America
FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR EXTENSION OF CONSTRUCTION PERMIT
OR TO REPLACE EXPIRED CONSTRUCTION PERMIT

INSTRUCTIONS

- A. This form is to be used in all cases when applying for additional time to construct a station or when applying for construction permit to replace expired permit. See the following Parts of the Commission's Rules:

BROADCAST - Part 23
COMMON CARRIER - Parts 21, 23 and 25

- B. Prepare and file original and one copy. File with the Federal Communications Commission, Washington, D.C. 20554 (Sign all copies)

- C. The name of the applicant must be stated exactly as it appears on the construction permit/expired construction permit.

- D. This application shall be personally signed by the applicant. If any applicant is an individual, by one of the partners; if the applicant is a partnership, by an officer; if the applicant is a corporation, by a member who is an officer. If the applicant is an unincorporated association, by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction; if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of her/his absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), he/she shall separately set forth reasons for believing that such statements are true.

- E. [Broadcast applicants only - Item 6 (c)]
Completion of construction includes the time required for testing and filing FCC Form 302 for broadcast station license.

- F. [Broadcast applicants only - Item 7]
Applicants must explain fully, status of construction, reasons for delays in commencement/completion of construction and detailed steps being taken to remedy delays.

- G. Filing date is determined by date application is received in FCC.

- H. **BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.**

FILE NO.

1. Legal name of applicant (See instruction C)
BENCHMARK COMMUNICATIONS CORP.

2. Address (Number, street, city, state, ZIP code)
4300 SW 75 Avenue
Miami, FL 33155

Telephone No. (Include Area Code)
(305) 264-5957

3. PURPOSE OF APPLICATION: (Check one)
a. Additional time to construct radio station ☒
b. Construction permit to replace expired permit ☐
(Not to be used under Part 21)

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT.

File Number BPH-840423ID	Call Letter WCCJ
Frequency 106.1 MHz	Channel No. (Broadcast applicants only) 291A

Station Location

Chatom, Alabama

5. Other (Broadcast applicants only)
Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. none

6. EXTENT OF CONSTRUCTION

- (a) Has equipment been delivered?

☐ Yes ☒ No

IF NO, answer the following:

From whom ordered (If no order has been placed, so indicate)
see exhibit 1

Date Ordered see exhibit 1	Date Delivery Promised see exhibit 1
-------------------------------	---

- (b) Has installation commenced?

☒ Yes ☐ No

IF YES, submit as Exhibit 2 a description of the extent of installation and the date installation commenced.

- (c) Estimated date by which construction can be completed.

June 1, 1988

7. (a) If application is for extension of construction permit, submit as Exhibit 3 reason(s) why construction has not been completed.

- (b) If application is to replace an expired construction permit, submit as Exhibit NA the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

8. Are the representations contained in the application for construction permit still true and correct?

☒ YES ☐ NO

If No, give particulars in Exhibit

THE APPLICANT hereby waives any claim to the use of any particular frequency or of electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application (See Section 304 of the Communications Act of 1934).

THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

THE APPLICANT acknowledges that all statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 16 day of March, 19 88.

BENCHMARK COMMUNICATIONS CORP.

(Legal Name of Applicant)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM
ARE PUNISHABLE BY FINE AND IMPRISONMENT, U.S.
CODE, TITLE 18, SECTION 1001.

(Signature)

PRES. AND DIR.

Title

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with public interest.

The staff, consisting variously of attorneys, analysts, engineers, and application examiners, will use the information to determine whether the application should be granted, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain this authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P. L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a (e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P. L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBITS furnished as required by this form:

Exhibit No.	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which).	Official Title
1	JOHN RAYMOND MEYERS	PRES. AND DIR.
2	JOHN RAYMOND MEYERS	PRES. AND DIR.
3	JOHN RAYMOND MEYERS	PRES. AND DIR.

EXHIBIT 1
WCCJ
Benchmark Comm. Corp.
Chatom, Alabama
March 16, 1988

Approximately ninety five percent of the equipment is on hand to complete the construction of the station. Items that remain to be delivered are specifically the power divider for the antenna coming from Jampro, the exciter for the transmitter coming from Allied Broadcast Equipment and the transmission line coming from Breit Tower Service.

The power divider was shipped to Jampro in mid March for repair and is to be returned in six weeks. The exciter was ordered in mid January as was the transmission line. No delivery dates were promised.

All other items are on hand and are in various states of installation.

EXHIBIT 2
WCCJ
Benchmark Comm. Corp.
Chatom, Alabama
March 16, 1988

The construction and installation was started January 20, 1988 and continues to the present date. Excavation of the site for the tower foundation and anchors and the tie down points for the mobile home that will serve as the studios and offices and transmitter housing were completed by the first week in February.

The mobile home was then brought to the site and modifications to its interior were started to accommodate the studios, etc. Equipment is being installed and tested in those areas that are complete.

The tower was delivered to the site March 8, and erection is scheduled to start March 23, as indicated by the attached FAA form 7460-2 that has been filed with the FAA's regional office in Atlanta.

The local power company has also been installing a service line to the site and should be completed by the end of March.

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WCCJ
Benchmark Comm. Corp.
Chatom, Alabama
March 16, 1988

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The local power company was also been installing a service line to the site and should be completed by the end of March.

EXHIBIT 3
WCCJ
Benchmark Comm. Corp.
Chatom, Alabama
March 16, 1988

The current construction permit was issued for six months starting in November, 1987. Prior to that no construction had taken place as there is a pending action before the Commission for a modification to this construction permit to up-grade the station from an A to a C2 class. The long delay by the Commission in reaching a decision on this up-grade and then finding that the existing authorization would have to be constructed prior to a final decision required the renegotiation of the lease for the original site. This process took two months and was agreed to in January of this year.

Weather has played a minor roll in delays. Contractors that had to come from nearby cities also slowed construction. Nearly every piece of equipment that has been ordered has arrived late.

It is believed by the permittee that all remaining items will be in place by the end of April, 1988 and equipment testing can commence. It is anticipated that an application for station license will be filed by mid May, 1988.

ATTACHMENT F

United States of America
FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR EXTENSION OF CONSTRUCTION PERMIT
OR TO REPLACE EXPIRED CONSTRUCTION PERMIT

INSTRUCTIONS

- A. This form is to be used in all cases when applying for additional time to construct a station or when applying for construction permit to replace expired permit. See the following Parts of the Commission's Rules:

BROADCAST - Part 73
COMMON CARRIER - Parts 21, 23 and 25

- B. Prepare and file original and one copy. File with the Federal Communications Commission, Washington, D.C. 20554 (Sign all copies).

- C. The name of the applicant must be stated exactly as it appears on the construction permit/expired construction permit.

- D. This application shall be personally signed by the applicant. If any applicant is an individual, by one of the partners; if the applicant is a partnership, by an officer; if the applicant is a corporation, by a member who is an officer. If the applicant is an unincorporated association, by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction; if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of her/his absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), he/she shall separately set forth reasons for believing that such statements are true.

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- F. [Broadcast applicants only - Item 7]
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FILE NO.

1. Legal name of applicant (See instruction C)
BENCHMARK COMMUNICATIONS CORP.

2. Address (Number, street, city, state, ZIP code)
4300 SW 75 Avenue
Miami, FL 33155

Telephone No. (Include Area Code)
(305) 264-5957

3. PURPOSE OF APPLICATION: (Check one)
a. Additional time to construct radio station ☒
b. Construction permit to replace expired permit ☐
(Not to be used under Part 27)

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT.

File Number
BPH-840423ID

Call Letter
WCCJ

Frequency
106.1 MHz

Channel No. (Broadcast applicants only) 291A

Station Location

Chatom, Alabama

5. Other (Broadcast applicants only)
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6. EXTENT OF CONSTRUCTION

(a) Has equipment been delivered?

☐ Yes ☒ No

IF NO, answer the following:

From whom ordered (If no order has been placed, so indicate)
see exhibit 1

Date Ordered

see exhibit 1

Date Delivery Promised

see exhibit 1

(b) Has installation commenced?

☒ Yes ☐ No

IF YES, submit as Exhibit 1 a description of the extent of installation and the date installation commenced.

(c) Estimated date by which construction can be completed.

July 1, 1988

7. (a) If application is for extension of construction permit, submit as Exhibit 1 reason(s) why construction has not been completed.

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☒ YES ☐ NO

If No, give particulars in Exhibit

THE APPLICANT hereby waives any claim to the use of any particular frequency or of electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application (See Section 304 of the Communications Act of 1934).

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THE APPLICANT acknowledges that all statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

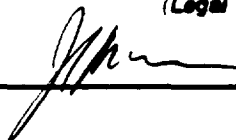
CERTIFICATION

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 26 day of May, 19 88.

BENCHMARK COMMUNICATIONS CORP.

(Legal Name of Applicant)



(Signature)

PRES. AND DIR.

Title

WILLFUL FALSE STATEMENTS MADE ON THIS FORM
ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S.
CODE, TITLE 18, SECTION 1001.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

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EXHIBITS furnished as required by this form:

Exhibit No.	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which).	Official Title
1	JOHN RAYMOND MEYERS	PRES. AND DIR.

EXHIBIT 1

WCCJ

Benchmark Comm. Corp.

Chatom, Alabama

May 26, 1988

This exhibit is to serve as an amendment to form 701 filed March 16, 1988, for WCCJ, Chatom, Alabama (file number BPH-840423ID).

Since the date of this filing several changes have occurred making necessary an amendment to WCCJ's request for extension of time to complete construction. Every attempt has been made to meet the proposed completion date of June 1, 1988, in spite of several problems.

Among these was the destruction of the original mobile trailer intended for use as studio and transmitter. The road into the transmitter site is best described as primitive. The original trailer was damaged during the delivery attempt and although repairs were attempted, the damage was severe enough to necessitate removal and another smaller trailer was brought to the site and is now in position. This trailer has all equipment in place and is ready to be used.

The next problem to arise has been the delay of the local power company to deliver power to the site. Local weather conditions have pulled their limited crews away from our requirements to restore existing service knocked out by various storms that come through the area about once a week. In addition there has been a right-of-way question for utility easements that has held up the installation of a pole line. A

generator to be used for emergency operation has been called upon to supply the site with power until utility power becomes available.

The final problem is one that will actually prevent us from achieving the June 1st readiness goal. The tower delivered to the site was not the one specified and was also incomplete. The proper tower has been located and is being shipped. However, because of this delay, the tower crew (briet Tower Service of Miami, Florida), elected to substitute another job in the Cayman Islands for ours. We have contacted Antenna and Tower Services, Inc., of Sturgeon, Missouri, to come and erect the tower. They indicate that erection can be completed in three to four days weather permitting once they are on the site (see attached).

For these reasons we are requesting an additional thirty days to July 1, 1988 to complete construction.

Rt. 1 Box 33-AA
Sturgeon, Missouri 65284
314-687-3932

Antenna and Tower Service, Inc.

JAMES E. PICKETT

AM • FM • TV • CATV • MICRO-WAVE • TWO-WAY

To: Benchmark Communication Corp / WCCJ Radio - Chato, Ala.
4700 SW 75th Ave.
Miami, Florida 33155

Date: May 19, 1988

Location: WCCJ - Chato, Ala.

Att: Ray Meyer

No. 051988-1

TOWER: 270 ft., Type <u>Guyed</u> (<input checked="" type="checkbox"/> Galv. (<input type="checkbox"/> Base Insulated (<input checked="" type="checkbox"/> Non-ins. (<input type="checkbox"/> with Anchors & Hardware. (<input checked="" type="checkbox"/> Tower to support <u>Four-bay F.M. 15/8 line</u> (<input type="checkbox"/> FM ins. guys (<input type="checkbox"/> Fibre Glass (<input type="checkbox"/> Deicer Circuit LIGHTING: FAA Spec. <u>A2</u> (<input type="checkbox"/> PE Control. (<input type="checkbox"/> Flasher (<input type="checkbox"/> Conduit. Freight Estimate (<input type="checkbox"/> F.O.B. Job Site (<input type="checkbox"/> Other		
MISCELLANEOUS: <u>Furnish labor to erect one (1) 270 ft. guyed F.M. broadcast tower designed to support one 4-bay F.M. broadcast antenna and one (1) run of 15/8 heliack transmission line. Concrete foundation and anchors to be furnished and installed by others. Pricing based upon normal site and soil conditions.</u>		
Pricing based upon complete site accessibility.		TOTAL MATERIAL COST
INSTALLATION BY: (<input checked="" type="checkbox"/> Tower(s) (<input type="checkbox"/> Con. Base (<input type="checkbox"/> Con. Anchor (<input type="checkbox"/> Paint (<input checked="" type="checkbox"/> Lights (<input checked="" type="checkbox"/> Antenna(s) <u>4-bay</u> (<input checked="" type="checkbox"/> Coax. <u>15/8</u> (<input type="checkbox"/> STL (<input type="checkbox"/> Coax. (<input type="checkbox"/> Deicer Circuit		<u>Normal Soil and Access</u>
TOTAL COST MATERIAL & INSTALLATION		
INSTALL GROUND SYSTEM: Install _____ Radials _____ and _____ Radials _____' long, buried 6 to 8" deep—normal soil, bonded where necessary. Install _____ of _____" Copper Ribbon. Install Copper Ground Screen _____' x _____ (<input type="checkbox"/> Buried (<input type="checkbox"/> Not Buried MATERIAL: (Estimate) Furnished by: No. 10 Bare Copper Wire (_____ ft.) " Copper Ribbon (_____ ft.) " x _____' Copper Screen. <small>Note: Copper prices subject to change without notice.</small>		
ESTIMATED COST OF MATERIAL AND INSTALLATION OF G. S.		
PURCHASER'S ACCEPTANCE		PACKAGE PRICE \$ <u>12,750.⁰⁰</u>

COMPANY _____

BY _____

DATE _____ TITLE _____

If above price meets with your approval, please sign and return with 40% down payment, 40% on delivery, 20% on completion. A finance charge of 2% (24% per annum) will be assessed against all accounts after 30 days. Delivery date (estimate) Ten (10) days

Respectfully submitted,

ANTENNA & TOWER SERVICE By [Signature] Title Pres. - G.M.

ATTACHMENT G

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re the Application of)	
BENCHMARK COMMUNICATIONS CORP.)	File No. BMPH-880325JC
For additional Time to)	
Construct a Radio Station)	
Station WCCJ, Chatom, Alabama)	

TO: Chief, Mass Media Bureau

OPPOSITION TO PETITION TO DENY

Benchmark Communications Corp. ("Benchmark"), pursuant to 47 C.F.R., 73.3584 and 1.45(a), hereby oppose the Petition to Deny submitted by Alabama Native American Broadcasting Co. ("Alabama Native"), in the above-captioned application for additional time to construct radio station WCCJ, filed by Benchmark on March 16, 1988.

In a Declaration of Mr. R. Dale Gehman, Partner/General Manager of WASG(AM), Atmore, Alabama statements were made "that convincing evidence that the representations made in the above-captioned application for extension of construction permit were either inaccurate or were intentionally misrepresentations to the Commission."

In examining Mr. Gehman's allegations it was found that on both

occasions he claimed to have visited the area, he had failed to identify the correct location of WCCJ's transmitter/studio site as it is currently authorized. In the first instance, Mr. Gehman apparently assumed that an authorization had been granted relocating WCCJ to a site suggested by a Pascagola, Mississippi station supporting WCCJ's requested upgrade. Since the Commission has not yet acted on this request, there would of course be no activity at this suggested site.

Mr. Gehman then claimed he had visited WCCJ's original site at coordinates 31-29-24 and 88-12-44, which he claimed he identified using a 1:250,000 topographic map entitled "Hattisburg." Clearly using that scale instead of the more accurate 7.5 minute quadrangle topographic map entitled "Rutan" would explain why Mr. Gehman failed to find the correct site. By Mr. Gehman's own description one could tell he was not at the correct location. Mr. Gehman describes the area he visited as "nothing but forested land" when in reality the correct site is in the middle of a vast natural clearing of approximately ten acres.

Mr. Gehman then states he "traveled all paved roads in the area." The transmitter site located in section 18, township 6 north, range 2 west, is no where near any "paved" roads and is in fact located nearly one third of a mile off the nearest county maintained dirt road on a private dirt road that can only be described as primitive.

Mr. Gehman states that he "inquired at several local business locations, and no one knew of any Radio Station being built." This is hearsay for Mr. Gehman failed to document who and when he

inquired of activity. Benchmark has frequently over the last two years, published press releases in both the "Call-News Dispatch" a weekly newspaper from Chatom and the "Southern Alabamian" a weekly newspaper from Jackson, a neighboring community. To the present day, Benchmark and employees of WCCJ find individuals not knowledgeable of the station's construction.

Referring to Mr. Gehman's aerial photos, photo number I is of course over the area proposed in the upgrade request and therefore would not show any activity. Photos II, III, and IV are over the general area near WCCJ's site. In each photo however the location depicted by the arrow is incorrect. Also the position and angle from which these photos were taken is too far to the west of the actual site to positively identify its location.


In exhibit I of this Opposition, which is a map segment of the RUTAN quadrangle, the location of the actual site is plotted and also the approximate location identified by studying Mr. Gehman's photos of the site where Mr. Gehman looked for activity. These two locations are approximately seventenths of a mile apart. The correct site has been confirmed by a land survey conducted by Robert F. Schell, Engineer registered in Alabama and based in Chatom. Mr Schell conducted this survey in December, 1987.

It should also be noted that in the case of WCCJ, site excavation did not require vast bulldozing of the area. Also the property is leased from a trust and any trees on that property are a source of income for that trust. Site preparation has been limited to positioning a trailer/housing at a location

near the tower base location in the natural clearing and digging several holes for foundations for the tower base and guy anchors. Since the tower itself is not in position, from the air the only view would show a trailer in a field with a two foot by two foot concrete cap (the tower base foundation) at ground level behind it and auto tracks from the access road to the trailer location.

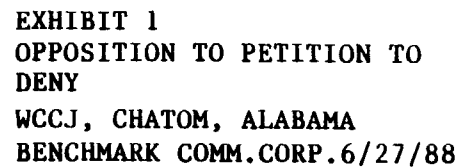
Benchmark's documentation proving the inaccuracy of facts presented by Alabama Native should prove that Alabama Native's Petition to Deny should be dismissed as moot, inaccurate and inconclusive. Further the Commission should keep in mind that Alabama Native's interest is limited to a mutually exclusive FM rulemaking proposal for Atmore, Alabama versus a proposed upgrade by Benchmark for station WCCJ at Chatom, Alabama (RM-5400 and RM-5401, MM Docket No. 86-55) and not to WCCJ's current authorization. Therefore the Commission should look upon Alabama Native's petition as inappropriate to the issue. As such the Commission should reinstate WCCJ's construction permit extension so as to permit completion of construction in a timely period.

Respectfully submitted,
Benchmark Communication Corp.

By 
John Raymond Meyers
President

Date: June 27, 1988


347 1/2 SE
HILLY SOUTH)



CERTIFICATE OF SERVICE

I, John Raymond Meyers, President of Benchmark Communications Corp., certify that I have this 27th day of June, 1988, caused to be sent by first-class U.S. Mail, postage-prepaid, a copy of the foregoing "Opposition to Petition to Deny" to the following:

Alabama Native Broadcasting Co.
c/o
Gardner, Carton & Douglas, Att.
Suite 750
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004



John Raymond Meyers

ATTACHMENT H



BENCHMARK
COMMUNICATIONS
CORPORATION

4700 Southwest 75 Avenue, Miami, Florida, 33155 305-264-5963

Aug. 8, 1988

Mr. Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau
Federal Communications Commission
Washington, D.C. 20554

Dear Mr. Eads:

re: 8920-SL

In re: WCCJ(FM)
Chatom, Alabama
File No. BMPX-880325JC

In response to the questionnaire issued by you on July 20, 1988, I herewith submit the following answers:

Ans. 1. In December, 1987, WCCJ's local attorney in Chatom, Alabama, David Michael Huggins, made contact with the property owners of the land where WCCJ's proposed transmitter site was to be located. On December 17, 1987, engineer/surveyor Robert Schell PE/PLS, was commissioned to conduct a survey of the site for purposes of securing a lease for the site (exhibit 1). During the month of January, 1988, negotiations as to terms of the lease took place. By January 15, 1988 the ruff draft of the lease terms had been reached. Also Mr. Schell had been to the site and staked out the location of the tower base and anchor locations. While on business at Gulf Breeze, Florida (approx. 80 miles from Chatom, Al.) the following week concerning Benchmark's interest in FM applicant Gulf Breeze Wireless Co., Ltd., I personally went to the site in Chatom, Alabama. Knowing the requirements for the foundation of the tower we were expecting to

receive, I stopped at a Home Depot retail building supply on Government Street in Mobile and bought eight one hundred pound sacks of concrete mix. I filled a fifty gallon drum I had brought with me with water at a nearby gas station and proceeded to Chatom. On arrival, I found Mr. Huggins had gone to his office in Mobile and Mr. Schell was not at his home or office. I then proceeded to the site northeast of town where I personally dug a two-foot by two-foot by six-foot deep hole five feet south of the location of the stake marking the proposed base by Mr. Schell because Mr. Schell's location would have placed the east guy wires directly over a pine tree. Since there was no reason why the tower had to be exactly at that spot and I did not wish to remove the tree, I relocated the base.

After digging the hole, I placed an assembly of reenforcement bars I had brought with me in the hole. Using a motar box I brought with me I mixed about half of the concrete and shoveled it into the hole. This filled the hole about half way. I then mixed the remaining concrete and shovel that into the hole bring the top of the concrete to just under the surface level of the ground. A pier pin was located in the center and the date "1-20-88" was scratched into the wet concrete. All of this took a little more than two hours to complete. At the finish of this, I drove back to Gulf Breeze. The following day I returned to Miami. When I returned to the site on May, 16, 1988, grass had grown over the foundation obscuring it from casual view. I consider "1-20-88" to be the date of first construction. On the twenty fifth of January, 1988, Mr. Huggins advised me via telephone that the final agreement had been reached and the lease

was ready to be signed (exhibit II).

Ans.2. Referring to the answer to question one, the foundation for the tower base had been installed and the anchor points had been staked out to locate the "earth auger" type screw-in anchors as had the location for the tie downs for the trailer that was expected shortly. The "concrete cap" referred to is the foundation described above. No photo's were made of any of this activity.

Ans. 3. The original mobile home referred to was located in Gulf Breeze, Florida. I looked the trailer over when I was there in December, 1987 and agreed to buy the unit in January, 1988 only if delivered to the WCCJ transmitter site. I informed the current owner that the kitchen equipment and certain walls would have to be removed or changed to accommodate the transmitter and studio equipment. Supposedly this work was performed and then the trailer was to be brought to the site by mid-March. Since this work was to be completed by the time of the filing for extension request and as the filing was being prepared during the first two weeks of March, it was assumed that all would be as described. However as indicated in the exhibit of the ammended extension request made on May 26, 1988, the trailer never made it to the site. Of course no equipment was installed.

Ans. 4. The second trailer was delivered to the site on May 16, 1988. I rented a Ryder truck in Miami of May 14, as shown in exhibit III by the Ryder receipt, drove to Melbourne, Florida,